

REMARKS

Claims 1, 3-11 and 13-31 are pending in the application. With this Amendment, claims 1, 11, 14 and 21 have been amended in order to further define the invention. No new matter has been added. Support for the amendment is set forth in the specification on at least page 15, second full paragraph, and page 17, second full paragraph.

Claims 1, 3-11 and 13-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Coran et al. U.S. Patent No. 4,104,210 (hereinafter Coran '210), Coran et al. U.S. Patent No. 4,141,878 (hereinafter Coran '878). Claims 1-3, 5-7, 11-13, 15-17, 21 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Coran et al. U.S. Patent No. 4,130,535 (hereinafter Coran '535).

The Examiner states that the passage recited by Counsel at column 1, lines 60-63 of the Coran '210 reference is relevant only so far as the rates of inclusion are recited for the rubber and resin alone and not as it is construed as being for rubber, resin matrix and polyolefin. The Examiner states that the product of the instant claims might be construed by Applicants' argument to have "reduced toughness" compared to that of the reference. A similar passage regarding the quantity of rubber and the effect on the composition is set forth in the Coran '878 reference, and the Examiner states that the measure is on a different basis.

The independent process claim relating to preparing the toughened polymer composition and the toughened thermoplastic composition claim have been amended to claim that the toughened polymer compositions have a greater impact resistance when compared to a corresponding composition wherein the rubber component is uncured or when compared to the thermoplastic polyolefin polymer component alone, or a combination thereof. Inventor Raman Patel of the instant application is also a co-inventor of all three of the cited references, namely the Coran '210, '878 and '535 references. An Affidavit of Fact is submitted herewith detailing the differences of the teachings and suggestions of the cited Coran references. Therein it is stated that when low amounts of rubber are utilized, less than about 55 parts by weight per 100 parts by weight resin as set forth in the Coran '210 reference, and less than about 50 parts by weight per 100 parts total weight of polyolefin resin and CSM rubber as set forth in the Coran '878 reference, hard, rigid compositions having reduced toughness are expected to be obtained, and the rates of inclusion for the respective thermoplastic resin or

polyolefin resin is relevant whether the polyolefin resin is a matrix polymer and/or a thermoplastic polymer component. Thus, the Coran '210 and Coran '878 references teach away from the product of the instant claims as one of ordinary skill in the art would believe that such compositions would have reduced toughness and it would not be obvious to prepare compositions having lower amounts of rubber that is taught by the references based on the teachings of the references that exhibit increased toughness.

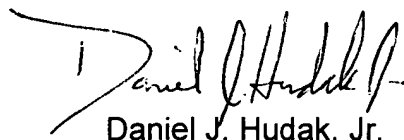
Moreover, one of ordinary skill in the art as set forth in the Affidavit, would believe that adding extender oil to a composition provides greater elasticity to a thermoplastic elastomer and there is no teaching or suggestion to provide such compositions as specifically claimed and containing less than 20 parts of weight by oil per 100 parts by weight of the rubber component would exhibit increased toughness as evidenced by improved impact resistance. Accordingly, unexpected results have been found by the Applicants and the claimed compositions and methods of the present invention cannot be taught or suggested by the cited references.

Regarding rotational molding, it is respectfully submitted that rotational molding involves different variables than utilized in the injection molding, extrusion molding, and compression molding teachings set forth in the cited references and one of ordinary skill in the art would not be led in a direction taken by the Applicants to discover the specifically claimed rotational molding method.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. L.P.A.

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", is written over a horizontal line.

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